

PUBLIC NOTICE
Civil Service Commission Meeting

The Civil Service Commission has scheduled a meeting on **Monday, April 29, 2024** at **6:30 pm**, at City Administration Building, 105 South Colorado Street, Lockhart, Texas:

Agenda

1. Discussion and/or action regarding approval of Commission minutes of April 15, 2024. 2-4
2. Discussion of notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.
3. EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF THE GOVERNMENT CODE, TITLE 5, SUBCHAPTER D, SECTION 551.071, PRIVATE CONSULTATION WITH ATTORNEY TO SEEK LEGAL ADVICE ABOUT MATTERS SUBJECT TO ATTORNEY/CLIENT PRIVILEGE ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE TEXAS OPEN MEETINGS ACT:
 - A. Receive legal advice regarding notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.
4. OPEN SESSION – DISCUSSION AND POSSIBLE ACTION
 - A. Discussion and possible action on notice of appeal pursuant to Texas Local Gov't Code Sec. 143.010 filed by Thomas Larivee.
5. Director's Report.
 - Fire Fighter Entrance Exam scheduled for May 4, 2024.
6. Adjournment.

If, during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Lockhart Firefighters' and Police Officers' Civil Service Commission will convene in such executive or closed session, in accordance with the provisions of the Government Code, Title 5, Subchapter D to consider one or more matters pursuant to the following:

Section 551.071. Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; (2) and/or a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with this chapter.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.073. To deliberate a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.076. To deliberate the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.086. To deliberate vote or take final action on any competitive matters relating to public power utilities.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

Section 551.088. To deliberate a test item or information related to a test item if the governmental body believes that the test item may be included in a test the governmental body administers to individuals who seek to obtain or renew a license or certificate that is necessary to engage in an activity

After discussion of any matters in executive session, any final action or vote taken will be in public by the Lockhart Firefighters' and Police Officers' Civil Service Commission.

Posted on the City Hall Public Notice Board located at the rear of 308 W. San Antonio Street, Lockhart, Texas on this the **26th** day of **April 2024**, at **8:45 a.m.**

**CITY OF LOCKHART-
FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION**

Civil Service Commission Meeting

April 15, 2024

6:30 P.M.

Commissioners present:

Chairman Worlanda Neal
Commissioner Carl Cisneros

Staff present:

Gary Williamson, Police Chief
Randy Jenkins, Fire Chief
Julie Bowermon, Civil Service Director

Commissioners absent:

Commissioner Ray Sanders

Chairman Neal called the meeting of the Civil Service Commission to order on this date at **6:30 p.m.**

Agenda

- 1. Discuss and elect a Commission Chairperson and Vice-Chairperson to serve from January 1, 2024 to December 31, 2024.**

Commissioner Cisneros made a motion to elect Worland Neal as Chairperson and Ray Sanders as Vice-Chairperson to serve from January 1, 2024 to December 31, 2024. Chairman Neal seconded. The motion carried by a vote of 2-0.

- 2. Discussion and/or action regarding approval Commission minutes of November 6, 2023.**

Chairman Neal requested any corrections to the Civil Service Commission minutes of November 6, 2023. There were none.

Chairman Neal made a motion to approve Civil Service Minutes of November 6, 2024. Commissioner Cisneros seconded. The motion carried by a vote of 2-0.

- 3. Discussion and/or action to address the inadequate number of eligible candidates for the Police Lieutenant examination; consider available options under the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, to include suspending/waiving the requirement of three candidates for the upcoming Police Lieutenant exam (date to be determined), for this exam only, thereby acknowledging and authorizing that two candidates participating in the exam ensure a competitive examination.**

Ms. Bowermon stated the Police Department recently had 2 lieutenant position vacancies. A promotional exam was held and open to all 3 current Lockhart police sergeants. One of the sergeants successfully passed the written exam and will move forward in the promotional process. A second promotional exam will need to be held to fill the remaining lieutenant position. The APS states Section .032 of the Local Rules remains in effect, unless otherwise addressed in the alternate system. The APS does not address the required number of candidates to hold an exam. Section .032 of the Local Rules includes a requirement that 3 candidates sit for a promotional exam and if there are not at

least 3 candidates, the Commission shall follow the procedures relating to eligibility for promotional exams outlined in Texas Local Government Code Chapter 143.031(c). This procedure consists of opening the exam first to Sergeants with 2 years of experience within the Lockhart Police Department and then to Sergeants with less than 2 years, in other words all Sergeants. However, the department currently only has 2 remaining Sergeants. This procedure includes opening to additional lower ranks (Police Officers), if necessary, to reach a competitive pool. After careful consideration of the needs of the department as well as the full intent to comply with the Lockhart Police Department Alternate Promotional System, Local Rules, and Texas Local Government Code Chapter 143, Civil Service, both she and the Police Chief recommend that the Commission waive the rule of “3” and allow that only 2 employees must sit to take the Lieutenant exam – for this exam only.

There was further discussion.

Chairman Neal made a motion to approve suspending/waiving the requirement of three candidates for the upcoming Police Lieutenant exam (date to be determined), for this exam only, thereby acknowledging and authorizing that two candidates participating in the exam ensure a competitive examination. Commissioner Cisneros seconded. The motion carried by a vote of 2-0.

- 4. Discussion and/or action regarding suspending/waiving the Commission Local Rule requirement that three candidates be present for the current Fire Captain Exam (date to be determined), thereby providing that only two candidates are required to ensure a competitive examination because only two have been employed by LFD for four years. And, in the event that the 2 eligible Fire Engineers in the Lockhart Fire Department do not complete a “notice of intent to test” by the deadline established by the Director for the upcoming Fire Captain Exam (date to be determined), the Commission authorizes the Director to open the exam to all Fire Engineers in the department, regardless of tenure; waiving the 4 years of service in the department requirement; and providing that two candidates ensure a competitive examination for this examination only.**

Ms. Bowermon stated a Captain vacancy exists and it is necessary to hold a Fire Captain promotional exam. Chapter 143.030(b) requires that the exam be first opened to Engineers with 2 years of experience. Chapter 143.028(a) requires that a firefighter must have served 4 years in the fire department to be eligible for a promotion to Captain. By opening the exam to Engineers with 2 years in that position and 4 years of service in the department, 2 employees would be eligible for the exam. Chapter 143.030(d) requires that if there is not an adequate number of Engineers with 2 years of experience, the Commission may open the exam down to Engineers with less than 2 years of experience (in other words, all Engineers). By opening the exam to all Engineers with 4 years of service in the department, still only 2 employees would be eligible. Because the rule of 3 is a Local Civil Service Rule, staff recommends that the Commission waive the rule of “3” and allow that only 2 employees must sit to take the Captain exam – for this exam only. Which still maintains that each employee must meet the Tx LGC,

Chapter 143 requirement of 4 years of service in the department. To prevent a delay in filling the Captain vacancy, staff also recommends that in the event both eligible Engineers do not turn in a "notice of intent to test" by the Director's established deadline, the exam then be opened to all Engineers. Initially the exam will be open to the 2 eligible Engineers. On the exam notice the Civil Service Director will include a deadline for the 2 eligible Engineers to submit a "notice of intent to test." If both do not submit the notice, the Director will then open the exam to ALL engineers and hold the exam with a minimum of 2 candidates.

There was further discussion.

Chairman Neal made a motion to approve suspending/waiving the Commission Local Rule requirement that three candidates be present for the current Fire Captain Exam (date to be determined), thereby providing that only two candidates are required to ensure a competitive examination because only two have been employed by LFD for four years. And, in the event that the 2 eligible Fire Engineers in the Lockhart Fire Department do not complete a "notice of intent to test" by the deadline established by the Director for the upcoming Fire Captain Exam (date to be determined), the Commission authorizes the Director to open the exam to all Fire Engineers in the department, regardless of tenure; waiving the 4 years of service in the department requirement; and providing that two candidates ensure a competitive examination for this examination only. Commissioner Cisneros seconded. The motion carried by a vote of 2-0.

5. Director's Report.

- Police Entrance Exam scheduled for April 19, 2024
- Fire Fighter Entrance Exam scheduled for May 4, 2024.

6. Adjournment.

Chairman Neal made a motion to adjourn the meeting. Commissioner Cisneros seconded. The motion carried by a vote of 2-0. The meeting was adjourned at 7:07 pm.

PASSED and APPROVED this 29th day of April, 2024.

Signed:

Worlanda Neal, Commissioner

Carl Cisneros

Ray Sanders, Commissioner

ATTEST:

Julie Bowermon, Civil Service Director