

**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION  
MEETING MINUTES**

**December 16, 2009**

A meeting of the Personnel Commission was held in the Community Room at the Board of Education Building. Present were Ms. Early, Chairperson; Mr. Barabani, Vice Chairperson; Mr. Salazar, Member; and Mr. Jossierand, Executive Director.

**I. CALL TO ORDER**

Ms. Early, Chairperson, called the meeting to order at 5:46 P.M. Mr. Salazar led the pledge of allegiance.

**III. APPROVAL OF AGENDA**

Ms. Early: We will wait until Commissioner Barabani arrives to approve the minutes from November 19<sup>th</sup> and November 30<sup>th</sup>; so we'll move item IV, approval of the agenda, up.

Mr. Jossierand: Madam Chairperson, if it's ok, I would recommend that we move item A up, where we are swearing the new Commissioner. Late this afternoon we were in receipt of a letter from the District's counselor; had an issue with agenda items under the Action Item heading C, D and E. Staff has not had an opportunity to get legal opinion. The District's Attorney's opposition of those agenda items is an effort to show good faith and an effort to protect little children's money. I would recommend that we table items C, D and E tonight, if that pleases the Commission.

William Diedrich, District's Attorney: Mr. Jossierand, may I approach? You don't have a quorum yet until Mr. Barabani gets here, so you may want to regain the meeting at that time.

Kristine Kwong, Personnel Commission's Attorney: Yeah, I agree with him, we need to have a quorum before we can start this meeting; so can I work on the (inaudible).

Mr. Jossierand: Ok.

Kristine Kwong: If possible, can you give him a call?

Mr. Jossierand: I'll try.

Kristine Kwong: Ok. It's a recess.

**Personnel Commission went to recess at 5:48 P.M.**

**Personnel Commission returned from recess at 6:00 P.M.**

Ms. Early: We can do that later as suggested prior to your arrival, we did have the Pledge of Allegiance and we're going to move Approval of the Agenda up one higher so we can swear in our new Commissioner.

**VI. ACTION ITEMS**

**A. Swear in new Commissioner, Michael Salazar, into a three-year term for Personnel Commission.**

Mr. Josseland: This Oath of Office that the new Commissioner is about to take is extensively the same Oath of Office administered to all government officials from the Federal Government all the way down. I approve to administer today.

Mr. Josseland: 'I, state your full name'

Mr. Salazar: 'I, Michael Salazar,'

Mr. Josseland: 'do solemnly swear'

Mr. Salazar: 'do solemnly swear'

Mr. Josseland: '(or affirm)'

Mr. Salazar: '(or affirm)'

Mr. Josseland: 'that I will support'

Mr. Salazar: 'that I will support'

Mr. Josseland: 'and defend'

Mr. Salazar: 'and defend'

Mr. Josseland: 'the Constitution'

Mr. Salazar: 'the Constitution'

Mr. Josseland: 'of the United States'

Mr. Salazar: 'of the United States'

Mr. Josseland: 'and the Constitution'

Mr. Salazar: 'and the Constitution'

Mr. Josseland: 'of the state of California'

Mr. Salazar: 'of the state of California'

Mr. Josseland: 'against all enemies,'

Mr. Salazar: 'against all enemies,'

Mr. Josseland: 'foreign and domestic;'

Mr. Salazar: 'foreign and domestic;'

Mr. Josserand: 'that I will bear true faith'

Mr. Salazar: 'that I will bear true faith'

Mr. Josserand: 'and allegiance'

Mr. Salazar: 'and allegiance'

Mr. Josserand: 'to the Constitution'

Mr. Salazar: 'to the Constitution'

Mr. Josserand: 'of the United States'

Mr. Salazar: 'of the United States'

Mr. Josserand: 'and the Constitution'

Mr. Salazar: 'and the Constitution'

Mr. Josserand: 'of the State of California;'

Mr. Salazar: 'of the State of California;'

Mr. Josserand: 'that I will take this obligation freely,'

Mr. Salazar: 'that I will take this obligation freely,'

Mr. Josserand: 'without any mental reservation'

Mr. Salazar: 'without any mental reservation'

Mr. Josserand: 'or purpose'

Mr. Salazar: 'or purpose'

Mr. Josserand: 'of evasion;'

Mr. Salazar: 'of evasion;'

Mr. Josserand: 'and that I will well'

Mr. Salazar: 'and that I will well'

Mr. Josserand: 'and faithfully'

Mr. Salazar: 'and faithfully'

Mr. Jossierand: 'discharge'

Mr. Salazar: 'discharge'

Mr. Jossierand: 'the duties upon'

Mr. Salazar: 'the duties upon'

Mr. Jossierand: 'which I am about to enter.'

Mr. Salazar: 'which I am about to enter.'

(Applause)

Mr. Jossierand: Did you bring a camera? The new Commissioner has his wife here tonight and we're honored that you're here today.

(Applause)

Ms. Early: And to all our Commissioners (inaudible).

## **II. APPROVAL OF MINUTES**

Ms. Early: We will move down to item number, actually it's item number II, Approval of the Minutes and this time we'll approve minutes from the Personnel Commission meeting November 19<sup>th</sup> and November 30<sup>th</sup>.

Mr. Barabani: I'll vote no with the minutes and can we hold on until the next meeting?

Mr. Jossierand: Yes.

Mr. Barabani: Because I have a lot of questions. I have to verify.

Ms. Early: We will agendize the approval of November 19<sup>th</sup> and November 30<sup>th</sup> meeting minutes to the next Commission meeting.

## **IV. REPORT BY THE EXECUTIVE DIRECTOR OF CLASSIFIED PERSONNEL AND THE PERSONNEL COMMISSION**

Ms. Early: Down to item IV, Report by the Executive Director of Classified Personnel and the Personnel Commission.

Mr. Jossierand: I'll waive my report tonight in interest of time and the holidays.

## **V. MATTERS BROUGHT BY THE PUBLIC**

Ms. Early: Number V, Matters Brought by the Public. Seeing none.

## **VI. ACTION ITEMS**

### **B. Select Personnel Commission Chairperson, Vice-Chairperson.**

Ms. Early: Item VI, Action Items. We've already done Item A so we'll move on to B, Select Personnel Commission Chairperson and Vice-Chairperson.

Mr. Jossierand: It's the law that we have to have a Chairperson and a Vice-Chairperson to act in the Chairperson's absence. Additionally, it's in the law that the Executive Director of Classified Personnel is the Secretary of the Commission; I took the oath last year and that's the matter of law. So staff recommends that we take the selection of the Chairperson first. One way to do it would be for one of the Commissioners to nominate a person for Chair. Then wait for a second, and then call for a vote.

Mr. Barabani: I'd like to nominate Ms. Early for Chairperson.

Mr. Salazar: I second.

Ms. Early: I accept the nomination.

Mr. Jossierand: Then we need to call for a vote.

Ms. Early: All in favor (inaudible) say aye.

Mr. Barabani: Aye.

Ms. Early: Aye.

Mr. Salazar: Aye.

Ms. Early: I would like to nominate Commissioner Barabani for Commission Vice-Chairperson.

Mr. Salazar: I second.

Mr. Barabani: I accept.

Ms. Early: All in favor of Mr. Barabani say aye.

Mr. Salazar: Aye.

Mr. Barabani: Aye.

Ms. Early: So we'll have myself, Ms. Early, will serve as Commission Chairperson and Commissioner Barabani will serve as Vice-Chair.

**C. To consider CSEA's request for an investigation into the positions of Custodian III and Custodian IV.**

**D. Public Hearing to consider whether the Provisional Employee Relations Director and/or Human Resources Director-Classified has been properly appointed.**

**E. To determine whether the Provisional Employee Relations Director and/or Human Resources Director-Classified has been properly appointed.**

**Action items C, D and E were tabled.**

**VII. COMMISSIONER'S REMARKS**

Ms. Early: Moving on to item number VII, Commissioner's Remarks.

Mr. Josserand: We told the new Commissioner that he had to have a two hour speech tonight but he (inaudible), but congratulations sir.

Unknown: Inaudible

Ms. Early: Commissioner Salazar we're looking forward to working with you.

**VIII. CLOSED SESSION**

Ms. Early: The Commission will now move into item number VIII, Closed Session. As provided by law, the Personnel Commission will meet in Closed Session for the consideration of the following: Conference with legal counsel, Kristine E. Kwong, Hinshaw & Culbertson LLP, anticipated litigation, initiation of litigation Pursuant to Government Code Section 54956.9 (c), two possible cases. Anticipated litigation regarding San Bernardino City Unified School District Personnel Commission court case, duties and authority of the Personnel Commission. Do we anticipate anything to report from Closed Session?

Mr. Josserand: Ms. Kwong, do you foresee a report out?

Ms. Kwong: I don't think so.

Mr. Josserand: In light of that Ms. Chairperson I would recommend that we encourage the audience to take advantage of their family and time since we don't anticipate having a report out. We will move into Closed Session.

**Commission moved into Closed Session with no report.**

**X. ADJOURNMENT**

Meeting was adjourned at 6:09 P.M.